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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BOARD OF TRUSTEES OF THE BAY AREA)	NO. C 08 1612 MEJ
ROOFERS HEALTH & WELFARE TRUST)	
FUND, PACIFIC COAST ROOFERS)	
PENSION PLAN, EAST BAY/NORTH BAY)	
ROOFERS VACATION TRUST FUND, BAY)	
AREA COUNTIES ROOFING INDUSTRY)	
PROMOTION FUND, BAY AREA COUNTIES)	<u>JUDGMENT PURSUANT TO</u>
ROOFING INDUSTRY APPRENTICESHIP)	<u>STIPULATION</u>
TRAINING FUND; TRUSTEE; BRUCE LAU,)	
TRUSTEE;)	
)	
Plaintiffs,)	
)	
vs.)	
)	
ROYCE B PETERSON ROOFING INC., etc.,)	
)	
Defendant.)	

It appearing that Plaintiffs BOARD OF TRUSTEES OF THE BAY AREA ROOFERS HEALTH & WELFARE TRUST FUND, PACIFIC COAST ROOFERS PENSION PLAN, EAST BAY/NORTH BAY ROOFERS VACATION TRUST FUND, BAY AREA COUNTIES ROOFING INDUSTRY PROMOTION FUND, BAY AREA COUNTIES ROOFING INDUSTRY APPRENTICESHIP TRAINING FUND; BRUCE LAU, TRUSTEE, through their attorneys, and defendant, ROYCE B. PETERSON ROOFING INC., a California corporation doing business as PETERSON & JENKINS ROOFING

1 COMPANY, have entered into a stipulation which provides for judgment
2 against defendant in the amount of \$37,789.97,

3 IT IS HEREBY ORDERED AND ADJUDGED that Plaintiffs BOARD OF
4 TRUSTEES OF THE BAY AREA ROOFERS HEALTH & WELFARE TRUST FUND, PACIFIC
5 COAST ROOFERS PENSION PLAN, EAST BAY/NORTH BAY ROOFERS VACATION TRUST
6 FUND, BAY AREA COUNTIES ROOFING INDUSTRY PROMOTION FUND, BAY AREA
7 COUNTIES ROOFING INDUSTRY APPRENTICESHIP TRAINING FUND; BRUCE LAU,
8 TRUSTEE, through their attorneys, and defendant, ROYCE B. PETERSON
9 ROOFING INC., a California corporation doing business as PETERSON &
10 JENKINS ROOFING COMPANY, have judgment in the amount of \$37,789.97,
11 which amount is composed of the following:

12 a. Contributions balances due and unpaid to Plaintiff
13 Trust Funds for the months of August 2007 through January 2008 in the
14 amount of \$31,199.98;

15 b. Liquidated damages due and unpaid to the Plaintiff
16 Trust Funds for the months of August 2007 through January 2008 in the
17 amount of \$6,239.99;

18 c. Costs of suit incurred in this action in the amount of
19 \$350.00.

20 IT IS FURTHER ORDERED AND ADJUDGED that an abstract of
21 judgment will be recorded but execution will not issue on the judgment
22 so long as defendant fully complies with the following conditions:

23 1. Defendant shall make payments of all amounts to become
24 due to plaintiffs for hours worked by defendant's employees,
25 commencing with the payment for June 2008 hours due on or before July
26 10, 2008 and continuing until the full amount of the judgment is paid.
27 Each of said payments will be made by check payable to the Roofers
28 Local Union No. 40 Area Trust Funds and should be sent to the address

1 on the monthly reporting form.

2 2. Defendant shall pay the amount of the contributions
3 under paragraph (a) \$31,199.98 in weekly installments of \$500.00
4 commencing immediately and continuing until all the contributions are
5 paid. Each of said payments will be made by check payable to the
6 ROOFERS LOCAL UNION NO 40 AREA TRUST FUNDS and should be sent to
7 ERSKINE & TULLEY, Attention Michael J. Carroll, 220 Montgomery Street,
8 Suite 303, San Francisco, CA 94104.

9 3. If the above amount of \$31,199.98 is paid in full
10 pursuant to the above schedule and if defendant has paid regular
11 contributions on time for the next twelve months, the Board of
12 Trustees of Plaintiff Trust Funds will waive the liquidated damages
13 and costs owed as stated in paragraphs (b) and (c) above.

14 4. Plaintiffs and Defendant each understand and agree that
15 any modification of payments must be made in writing and agreed to by
16 both the Plaintiffs and the Defendant.

17 5. Should any current payment due under the collective
18 bargaining agreement become delinquent, the entire amount of this
19 judgment and the current delinquent contributions and liquidated
20 damages, reduced by any offset for payments made, shall become due and
21 payable immediately and execution may commence on the judgment without
22 further notice.

23 IT IS FURTHER ORDERED AND ADJUDGED by the parties hereto
24 that upon failure of the Defendant to make any of their monthly
25 contribution payments pursuant to the collective bargaining agreement
26 as set forth in paragraph 1 above, and the monthly installment
27 payments in a timely manner as required pursuant to the terms of
28 paragraphs 2 and 3 of this stipulation, execution on the entire

1 judgment in the amount of \$31,199.98 reduced by any offsets for
2 payments made, shall issue only after ten (10) days written notice to
3 the Defendant that Plaintiffs or Plaintiffs' attorney declares a
4 default and intends to file a Declaration stating that a default has
5 occurred on the part of the defendant. Defendant waives notice of any
6 hearing held by the court upon the earlier execution of this judgment
7 or Plaintiffs' declaration. The Clerk shall close the file.

8 Dated: July 10, 2008

9 
Honorable Maria-Elena James